

**COMMISSION ON TECHNOLOGY  
e-COURT SUBCOMMITTEE  
GJ COURTS SUBTEAM  
MEETING SUMMARY**

**May 17, 2010**  
3:30 p.m. – 4:30 p.m.

**State Courts Building Room 415**

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**MEMBERS PRESENT**

Kent Batty  
Robert Brutinel  
Norman Davis  
Justice Andrew Hurwitz, *chair*  
Karl Heckart  
Michael Jeanes

**GUESTS PRESENT**

Aaron Nash  
Rich McHattie

**AOC STAFF PRESENT**

Stewart Bruner, *ITD*  
Melinda Hardman, *CSD*  
Jim Price, *ITD*  
Amy Wood, *CSD*

**WELCOME AND MEETING PURPOSE**

Justice Hurwitz welcomed participants and described the purpose of the meeting as discussing two issues raised by the business and technical teams implementing AZTurboCourt.

**ISSUE #19 -- IS FORM COMPLETION THE PRACTICE OF LAW?**

Justice Hurwitz polled members on whether they felt the topic required discussion. All present agreed that completing forms approved by the court and available at a court-maintained website does not constitute the practice of law or legal document preparation.

**ISSUE #20 –GUIDELINES FOR CLERK REJECTION OF FILINGS**

Justice Hurwitz asked members to separate the legal considerations from the business considerations in the upcoming discussion, since the appellate decisions all indicate that, upon challenge, clerks have to accept whatever is filed. Members acknowledged that different judges at different levels of court expect different things from clerks and that no single set of criteria for clerk review exists today. Michael Jeanes, Rich McHattie, and Judge Norm Davis discussed various practices of the Maricopa Clerk's Office today in comparison to what would change if various policy directions were given regarding the extent of review allowed or the grounds for rejection.

In general, the clerk's role is to act as a process gatekeeper, not a reviewer of legal content, providing early intervention that prevents costly or time-consuming issues later in the process. Michael will attempt to quantify how often the clerk actually intervenes in the e-filing process today, but cannot quantify the number of "filing counter

interventions” being done with paper. Despite the number of anecdotes shared, rejection seems to be a rare occurrence but one that does happen.

Justice Hurwitz asked for members’ comfort level with mandating acceptance followed by a period of time in which issues could be raised and resolved by amended filings, not affecting the timeliness of the original filing. Karl Heckart asked whether the docketing process could be placed before the review process, following the federal PACER model. There was concern that rejection would then lead to complexity in rebating funds and potential financial issues. Concern was also raised that auto-acceptance would relegate clerk review to a sampling exercise that might not uncover the issues that need to be addressed. Discussion included the distinctions between attorneys’ filings and pro se litigants’ filings along with the relative amount of grace granted to each.

Amy Wood stated that the issue will eventually affect other levels of court, so direction needs to take them into account, not only general jurisdiction courts.

### **WRAP UP/NEXT STEPS**

Having heard much discussion with little consensus, Justice Hurwitz concluded that he will need to describe the options and receive feedback from e-Court as a whole to gauge whether the decision needs to be moved to a higher level. If so, a discussion between the chief justice and various affected parties will be convened. He also requested a review of best practices for clerk review in other jurisdictions.